

ORIGINAL

FILED
DISTRICT COURT OF GUAM
APR 17 2005 *mbe*
MARY L.M. MORAN
CLERK OF COURT

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**IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**JOHN DOE and
JOHN DOE,**

Defendants.

MAGISTRATE CASE NO. 05-00014

COMPLAINT

THEFT OF GOVERNMENT PROPERTY

[18 U.S.C. §641]

ENTERING MILITARY PROPERTY

[18 U.S.C. § 1382]

THE UNDERSIGNED COMPLAINT CHARGES UPON INFORMATION AND BELIEF
THAT:

COUNT 1 - THEFT OF GOVERNMENT PROPERTY

On or about the 17th day of April, 2005, in the District of Guam, the defendants JOHN
DOE and JOHN DOE, wilfully and knowingly did steal and purloin water pipes, and water
heaters, of a value less than \$1,000.00, the goods and property of the United States, in violation
of 18 U.S.C. 641.

COUNT 2 - ENTERING MILITARY PROPERTY

On or about the 17th day of April, 2005, in the District of Guam, the defendants, JOHN
DOE and JOHN DOE, went upon a United States military reservation, to wit: Andersen Air
Force Base, Guam, for a purpose prohibited by law or lawful regulation, that is, intending to

1 engage in conduct in violation of Title 18, United States Code, Section 641, in violation of 18
2 U.S.C. 1382.

3 COMPLAINANT FURTHER STATES:

4 1. My name is John M. Chandler, I am a Security Forces Officer, with the rank of Staff
5 Sergeant with the United States Air Force.

6 2. I have been a Security Forces Officer for 9 years and I manage physical security and
7 resource protection for 1,489 buildings and Protection Level (PL) II, III and IV resources worth \$18
8 billion dollars, spread over 20,000 acres. I direct supervision of 33 personnel, conduct guard mount,
9 enforce standards, conduct post checks and manage law enforcement operational procedures. I also
10 manage flight appointments, assigns duties, reviews incident reports, desk blotters, identify security
11 deficiencies and cross-flow solutions to patrols. As part of my duties, I plan on-the-job training,
12 qualification and certification for all security posts. I am responsible for enforcing base instructions,
13 interviewing witnesses and suspects, investigating accidents, supervising alarm activation responses and
14 other emergencies. I further supervise investigations according to provisions of legal authority,
15 jurisdiction, use of force, search and seizure, rights advisement policies and antiterrorism (AT)
16 countermeasures for all United States resources. In that capacity, I attest to the following:

17 3. On 17 April 2005, I was on duty as the shift Non-Commissioned Officer in charge and
18 went to patrol Andersen AFB, South with SSgt Banes.

19 4. At approximately 1010, I along with SSgt Banes entered Andersen South Housing to
20 perform a random check of the vacant military housing and dormitory area.

21 5. At approximately 1050, I witnessed a person wearing a blue in color T-shirt and blue
22 jeans, running away from one of the houses in the area. SSgt Banes and I attempted to pursue
23 and intercept the individual but the individual fled into the overgrown jungle surrounding the
24 houses.

25 6. At approximately the same time, SSgt Banes heard a loud banging sound coming from
26 one of the vacant housing units approximately 35 meters from his location.

27 7. SSgt Banes and I covered the entry and exit points of the quarters and challenged the
28 individuals inside the housing unit. A person wearing a pink in color shirt and blue jeans

1 attempted to exit the second floor of the house when I ordered him to halt. This person ducked
2 back into the residence in an attempt to flee the scene, and eventually escaped.

3 8. I approached the building when a person later possibly identified as Mr. James
4 Kirachy jumped from the second floor window attempting to flee the scene. I immediately
5 restrained and applied hand cuffs to the person identifying himself as James Kirachy. I escorted
6 the person identifying himself as James Kirachy and placed him in the back of a Security Forces
7 patrol car. 7. SSgt Banes and I again approached the residence and began to tactically clear the
8 quarters. At 1110, I declared the residence cleared with negative findings.

9 9. At 1115, SSgt Ashworth arrived on scene and assisted with a grid search of the area
10 for the two Subjects who had fled the scene. The search met with negative findings.

11 10. I along with SSgts Ashworth and Hennesey conducted a sweep for evidence and
12 discovered (4) copper pipes, (2) aluminum siding bundles weighing approximately 70lbs, and
13 two water heaters prepared for transportation from Andersen AFB, South, along with two
14 crowbars apparently used for stripping the water pipes, aluminum siding and water heaters from
15 the walls.

16 11. SSgt Banes transported the person who identified himself as James Kirachy to the
17 Andersen Security Forces Control Center (ASFCC) for processing a Security Forces vehicle.
18 Upon departing the scene SSgt Banes noticed a blue in color Nissan pickup, Guam license plate
19 4177-PDE, stopped along the road adjacent to Andersen South Housing with one occupant sitting
20 in the passenger seat. SSgt Banes noticed the passenger gesturing to someone in the jungle about
21 the Police presence. SSgt Banes drove past the vehicle and turned around at the first opportunity.
22 SSgt Banes noticed the vehicle turning right onto a grassy telephone road and followed,
23 requesting SSgt Ashworth back him up. SSgt Banes and SSgt Ashworth pulled up behind the
24 vehicle and initiated a traffic stop. The driver, who later identified himself as Ricky Kirachy
25 attempted to get out of the vehicle. SSgt BANES advised the person to stay in the vehicle
26 repeatedly and after the third time, the person identify himself as Ricky Kirachy attempted to flee
27 the scene on foot. SSgt Banes initiated a challenge and placed the person at a disadvantage on
28 the ground. I arrived on scene and noticed the vehicle was loaded with more of the aluminum

1 and window shutter bundles, which were apparently also taken from Andersen AFB, South. The
2 person identifying himself as Ricky Kirachy stated there was another passenger in the vehicle but
3 he fled into the jungle

4 12. SSgt Banes attempted to positively identify the person known as Ricky Kirachy via
5 driver's license. But the person identifying himself as Ricky Kirachy stated his driver's license
6 had been suspended, therefore he did not carry it on his person. The person identifying himself
7 as Ricky Kirachy was detained by SSgt Ashworth and placed in a Security Forces vehicle. Six
8 (6) additional bundles of scrap metal were found in the grass near the vehicle that was operated
9 by the person identifying himself as Ricky Kirachy and also appeared to have been stripped from
10 housing on Andersen AFB, South.

11 13. A check via the Criminal Justice Information System revealed James and Ricky
12 Kirachy are the same person. James Kirachy was identified as the primary name and Ricky
13 Kirachy was identified as an alias for James Kirachy. When asked for their dates of birth and
14 social security numbers on different occasions, they gave different social security numbers and
15 different dates of birth each time asked.

16 14. Therefore, we had two John Does who gave contradicting names, multiple social
17 security numbers and multiple dates of birth. Neither of these persons had identification on their
18 person. No positive identification was available for either of the persons apprehended. Both the
19 persons identifying themselves as both James Kirachy and Ricky Kirachy were given an
20 opportunity to provide identification and allowed to make telephone calls to obtain identification.
21 Neither of these persons were able to produce any identification whatsoever. Their identities
22 remain unknown and are unable to be determined as of this date and time of this affidavit.

23 15. Later, a relative of one of the John Does provided an identification card with the
24 name: "James Kirachki" which did not match the spelling of the name provided by the John Doe.

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1 Further, the name provided by the John Doe had a criminal history which the person admitted,
2 the name of the identification card did not have a criminal record.

3 AFFIANT FURTHER SAYETH NAUGHT.

4 DATED this 17th day of April 2005.

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8 John M. Chandler, SSgt, USAF
9 Security Forces Officer

10 SUBSCRIBED AND SWORN TO before me on this 17th day of April 2005.

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13 JOAQUIN V.E. MANIBUSAN, JR.
14 Magistrate Judge
15 District Court of Guam
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